



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes

### CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Anthony Coleman, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, February 10, 2016

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, Anthony Coleman, Michelle Cooper Kelly and Philip M. Goldstein

**Also Present:**

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 7:03 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Council member Grif Chalfant to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin asked everyone to remain standing for the Pledge of Allegiance.*

### PROCLAMATIONS:

**20151152**

**Marietta PAL "Blue Devils" Cheerleaders Win First Place in the FL Statewide Championship!**

The Marietta PAL "Blue Devils" Cheerleaders won the first place trophy in the Florida PAL Statewide Championship competition. Marietta PAL Cheerleaders landed impressive stunts and well-choreographed dance moves with synchronized precision to impress the team of judges and to walk away with the coveted first place trophy in the 12 and under category for cheer/dance/stunt.

**Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE  
MAYOR, COUNCIL AND/OR CITY MANAGER:**

**SCHEDULED APPEARANCES:**

**20160135**            **Scheduled Appearance - Mr. Steve Imler, 599 Church Street, Ward 4**

Wishes to address council regarding Legistar# 20160065, Design Guidelines for Church-Cherokee Historic District.

**Present**

**20160122**            **Scheduled Appearance - Philip M. Goldstein, 31 Powers Ferry Manor**

**Present**

**UNSCHEDULED APPEARANCES:**

*Larry Wills, who lives on Oakmont Drive, addressed City Council.*

**CONSENT AGENDA: Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

*Pro tem Johnny Walker briefly explained the consent agenda process. City Attorney Doug Haynie noted the following changes to the consent agenda:*

*-under Judicial/Legislative: Agenda item 20160055, Renaming of Franklin Road, was added to the consent agenda and amended to read, "Motion to approve changing the name of Franklin Road to Franklin Gateway. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road."*

*-under Judicial/Legislative: Agenda item 20160063, Unscheduled Appearance, remained on the consent agenda with an amendment to read, "Motion to an Ordinance to amend the Rules and Procedures of Council to remove the first "Unscheduled Appearances" from the City Council agenda and waiving the requirement for a second reading as set forth in Section 1-4-040 L of the City of Marietta Charter."*

*-under Personnel: Agenda item 20160042, Construction Board of Adjustment and Appeals, was removed from the agenda.*

*-under Other Business: Agenda item 20160065, Public Hearing for design guidelines of Church-Cherokee Streets Historic District, should show Council member Goldstein abstaining.*

*Mr. Haynie then opened the public hearing for those items on the consent agenda requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

**A motion was made by Council member Walker, seconded by Council member Kelly, to approve the consent agenda as modified. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Approved**

**MINUTES:**

**\*      20160082      Regular Meeting Minutes - January 13, 2016**

Review and approval of the January 13, 2016 regular meeting minutes.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**20160095      Special Meeting - January 27, 2016**

Review and approval of the January 27, 2016 special meeting minutes.

Dissent filed by Council Member Goldstein.

*A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the January 27, 2016 special meeting minutes, with the print date February 3, 2016.*

*A substitute motion was made by Council member Goldstein, seconded by Council member Coleman, to approve the January 27, 2016 special meeting minutes, with the print date February 9, 2016, showing the Dissent filed by Council member Goldstein. The motion failed by the following vote:*

*Vote: 1 - 4 - 2                      Failed*

*Voting Against: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris  
Abstaining: Anthony Coleman and Michelle Kelly*

*Mayor Tumlin called for a vote on the original motion.*

**The motion was made by Council member Morris, seconded by Council member Chalfant, to approve the January 27, 2016 special meeting minutes, with the print date February 3, 2016. The motion carried by the following vote:**

**Vote: 4 - 1 - 2                      Approved**

**Voting Against: Philip M. Goldstein  
Abstaining: Anthony Coleman and Michelle Kelly**

**CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:**

20151122

**Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH**

Z2016-01 [REZONING & SPECIAL LAND USE PERMIT] FIRST CHRISTIAN CHURCH is requesting the rezoning of property located in Land Lot 1287, District 16, Parcels 0700, 0790, 0780, 0770, & 0360, 2nd Section, Marietta, Cobb County, Georgia, and being known as 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R-4 (Single Family Residential - 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 1A.

*City Attorney Doug Haynie opened the public hearing and explained the rules of order. Mr. Haynie then swore in those wishing to speak.*

*Brian Binzer, Development Services Director, presented information regarding the request to rezone property located at 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R 4 (Single Family Residential- 4 units/acre) and NRC (Neighborhood Retail Commercial) to R 4 (Single Family Residential-4 units/acre) with a Special Land Use Permit for a place of assembly.*

*Mr. Binzer explained that purpose of the rezoning and SLUP, which was tabled during the last meeting, was to bring the property in line with current zoning regulations for the City. He stated that the property would continue to be charitable use church, which is a food pantry. They will continue to use the property as they have been, but since they added an awning to the structure, under the City's new regulations, they are now required to get the proper zoning and Special Land Use Permit, just to exist under current regulations.*

*Pamela Commorato, Director of the Food Pantry of First Christian Church, stated that the church has worked with the neighbors and agrees to the stipulations listed on the agenda. The applicant also agreed to have the roof repaired and painted the same color as the awning. An exemption plat would also be submitted for review within 90 days.*

*Mr. Drayton Baker spoke regarding outstanding issues with the property and the proposed stipulations.*

*Discussion was held by Council.*

*Seeing no one else wishing to speak, the public hearing was closed.*

*A motion was made to approve rezoning for property at 566 Waterman St; 559, 569, & 579 Frasier St; and 235 Grover St from R-4 (Single Family Residential – 4 units/acre) and NRC (Neighborhood Retail Commercial) to R-4 (Single Family Residential – 4 units/acre) with a Special Land Use Permit for a place of assembly, with the following stipulations are incorporated as conditions of zoning:*

- 1. A 6 ft. privacy fence, at a minimum effective height of 7 feet, and constructed of pressure treated wood, shall be placed between properties at 553 and 559 Frasier Street, and constructed according to code, within 90 days.*
- 2. Hours of operation for distribution of food shall be on Mondays and Saturdays between 9:00AM and 4:00PM.*

3. *Maximum truck size for use by the church on the property currently known at 559 Frasier Street shall be limited to a medium duty, single axle truck.*
4. *No outside storage is allowed.*
5. *Outside walk-in cooler shall be covered by matching vinyl siding attached to the exterior side of the cooler, which shall extend 2 feet above the side of the cooler to screen the compressors.*
6. *The roof on the food pantry and awning will be changed within one (1) year so that it will be one color.*
7. *An exemption plat to combine all contiguous church-owned property shall be submitted to the Planning & Zoning Office for review within 90 days.*

*The following variances were also granted as conditions of zoning for the current developed property only, and would be discontinued upon the redevelopment of the site, according to Section 706.03, Continuance of a nonconforming building or structure:*

1. *Reduction of the west side property line from 75' to 6.9' for the existing primary structure.*
2. *Reduction of the west side property line from 75' to 10' for the existing primary structure.*
3. *Reduction of the major side setback for the existing primary structure on East Waterman Street from 25' to 22'.*
4. *Waiver of the requirements of the Tree Protection and Landscaping ordinance.*
5. *Increase the maximum impervious surface from 50% to 67%.*
6. *Variance to reduce the required setback between any building or structure used in connection with the church from 75 feet to 1.8 feet for the existing buildings currently shown on the site plan dated June 3, 2003.*

**The motion was made by Council member Fleming, seconded by Council member Goldstein, that this matter be Approved. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved as Stipulated**

**20160015**

**Z2016-02 [REZONING] CARY MCCALLUM**

Z2016-02 [REZONING] CARY MCCALLUM is requesting the rezoning of property located in Land Lot 1141, District 16, Parcels 0280 & 0260, 2nd Section, Marietta, Cobb County, Georgia, and being known as 303 & 309 Austin Avenue from R-4 (Single Family Residential - 4 units/acre) to CRC (Community Retail Commercial). Ward 5B.

*City Attorney Doug Haynie opened the public hearing and called forward those wishing to speak regarding this matter.*

*Brian Binzer, Development Services Director, presented information regarding the rezoning request for property located at 303 & 309 Austin Avenue from R-4 (Single Family Residential - 4 units/acre) to CRC (Community Retail Commercial).*

*Mr. Cary McCallum, the Applicant, is requesting to rezone the property located in order to continue operating his landscaping business that primarily provides topsoil to customers.*

*Discussion was held by Council regarding issues such as hours of operation, increased traffic and the size of trucks and equipment used by the business.*

*Seeing no one else wishing to speak, the public hearing was closed.*

*A motion was made by Council member Morris, seconded by Council member Chalfant, to approve the rezoning request, as stipulated.*

*A substitute motion was made by Council member Coleman, seconded by Council member Goldstein, to deny the rezoning request. The motion failed by the following vote:*

*Vote: 1 - 5 - 1                      Failed*  
*Voting Against: Stuart Fleming, Grif Chalfant, Johnny Walker, G. A. (Andy) Morris, and Michelle Cooper Kelly*  
*Abstaining: Philip M. Goldstein*

*Mayor Tumlin called for a vote on the original motion.*

*Motion to approve the rezoning request, with the following variances being granted:*

- 1. Allow the use of business within 100 feet from any property zoned single family residential.*
- 2. Allow company vehicles and equipment to use the existing gravel driveway and to be parked on the existing gravel area to the rear of the property.*
- 3. Allow the existing primary structure to remain within the 40' buffer against the residential zoning district. This variance would be for the existing primary structure only and would voided if the property is redeveloped.*

**The motion was made by Council member Morris, seconded by Council member Chalfant, that this matter be approved. The motion carried by the following vote:**

**Vote: 5 - 1 - 1                      Approved as Stipulated**  
**Voting Against: Anthony Coleman**  
**Abstaining: Philip M. Goldstein**

## **RESOLUTIONS:**

### **CITY ATTORNEY'S REPORT:**

\*      **20160118      Denial of Claim**

Denial of the claim of Makeda King.

**This matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Deny Claim**

\*      **20160126      Denial of Claim**

Denial of Claim of Y'vette Shorts and Miqueen Davie.

**This matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Deny Claim**

\*      **20160127      Denial of Claim**

Denial of Claim of Sarah Joseph.

**This matter was Approved to Deny on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved to Deny Claim**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

**2. Finance/Investment: Stuart Fleming, Chairperson**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\*      **20160055      Renaming of Franklin Road**

Motion to approve changing the name of Franklin Road to Gateway Boulevard. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road. To designate Gateway Boulevard commencing at the South Marietta Parkway and terminating at Delk Road as the "Franklin Commemorative Highway".

*Motion to approve changing the name of Franklin Road to Franklin Gateway. This includes the entire length of Franklin Road beginning at the intersection of Banberry Road and Franklin Road to Cobb Parkway and Franklin Road.*

**This matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

\*      **20160063                      Unscheduled Appearance**

Motion to amend Rules and Procedures of Council to remove the first “Unscheduled Appearances” from the City Council agenda.

*(First Reading)*

*Motion to approve an Ordinance to amend the Rules and Procedures of Council to remove the first “Unscheduled Appearances” from the City Council agenda and waiving the requirement for a second reading as set forth in Section 1-4-040 L of the City of Marietta Charter.*

**This matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved as Amended**

\*      **20160064                      Revision to the Detailed Plan for Walton Horizons subdivision - L-19 & L-20, Dunlieth Parkway**

Motion to revise the Detailed Plan for Walton Horizons, specifically for building setbacks on lots L-19 and L-20. The revised setbacks are shown on the attached surveys, signed by the owner and dated February 10, 2016, and in accordance with Section 708.20(J.4) of the Marietta zoning Ordinance. All other zoning conditions previously approved for this development, including site plans, landscape plans, and architectural elevations, shall remain in effect. In addition, the applicant agrees to incorporate all four-sided architectural requirements into the walk-out basement area.

The purpose of this revision is:

1. For Lot 19, to increase the front setback off of Dunlieth Parkway from 5’ to 18’; and to decrease the rear setback off of Saine Drive from 25’ to 8’.
2. For Lot 20, to increase the front setback off of Dunlieth Parkway from 5’ to 20’; and to decrease the rear setback off of Saine Drive from 25’ to 8’.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20151141                      City of Marietta Comprehensive Plan Update**

Motion to approve the revised City of Marietta Vision Statement dated February 10, 2016 to be incorporated into the City of Marietta’s 10-year update for the 2040 Comprehensive Plan (as attached in Exhibit A).

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**



**4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson****5. Personnel/Insurance: Johnny Walker, Chairperson****\* 20151201 Marietta Development Authority Board Appointment**

Reappointment of James D. Southerland to the Marietta Development Authority Board ( Post 5) for a 5 year term, effective February 10, 2016 and expiring February 10, 2021.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20151202 Historic Board of Review Appointment at Large**

Reappointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At Large Appointment for a two year term, effective February 10, 2016 and expiring February 10, 2018.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20151203 Cobb Municipal Association 2016 Delegates**

Appointment of Council Members Grif Chalfant and Andy Morris to serve as the 2016 voting delegates for the Cobb Municipal Association (CMA) business meetings.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**\* 20160040 Construction Board of Adjustment and Appeals**

Reappointment of Gordon Brans (Ward 3), Chris Poston (Ward 4) and Allen Worthy (Ward 5) to the Construction Board of Adjustment and Appeals for five (5) year terms expiring January 31, 2021.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0                      Approved**

**20160042 Construction Board of Adjustment and Appeals**

Consideration of an appointment to the Construction Board of Adjustment and Appeals (Ward 7) for five (5) year terms expiring January 31, 2021.

**Removed**

**\* 20160033 2016 Flexible Benefit Plan**

Motion approving the 2016 Flexible Benefit Plan and Summary Plan Description with Total Administrative Services Corporation (TASC).

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson****\* 20160065 Public hearing for design guidelines of Church-Cherokee Streets Historic District**

Motion to authorize staff to advertise the public hearing for City Council regarding the adoption of the design guidelines for Church-Cherokee Historic District.

*Council member Goldstein disclosed that he owns properties that are located in the proposed district; 473 Cherokee Street, Marietta, Georgia, 481 Cherokee Street, Marietta, Georgia, 489 Cherokee Street NE, Marietta, Georgia and 497 Cherokee Street NE, Marietta, Georgia.*

*The City Attorney's law firm has disclosed that one member of the firm resides within the proposed district.*

**This matter was Approved for Advertisement on the Consent Agenda.**

**Vote: 6 – 0 – 1**

**Approved for Advertisement**

Abstaining: Philip M. Goldstein

**OTHER BUSINESS:****\* 20160121 Transfer of property to GDOT**

Motion to authorize the transfer of cemetery trail property along Cemetery Street from 121 Hedges Street to 480 West Atlanta Street to the Georgia Department of Transportation.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20160138**

**Authorization to expend 2009 Parks Bond funds for professional design and consultation.**

A motion authorizing an expenditure not to exceed \$10,000 for professional design and consultation with funding from the 2009 Parks Bond, Category D, Planning/Design/Administration/Contingencies, specifically account number 274-3001-541-3101.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20160137**

**BLW Actions of February 8, 2016**

Review and approval of the February 8, 2016 actions and minutes of Marietta Board of Lights and Water.

**This matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

#### **UNSCHEDULED APPEARANCES:**

*Philip M. Goldstein, who lives on Powers Ferry Manor, addressed the City Council.*

#### **ADJOURNMENT:**

*The meeting was adjourned at 8:39 p.m.*

**Date Approved: March 9, 2016**

\_\_\_\_\_  
**R. Steve Tumlin, Mayor Tumlin**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**